

AIRSHIP SUIT UP TOMORROW

The Wright Bros.' Case Against
Glenn H. Curtiss to be Tried
in Buffalo.

OUTCOME WILL BE IMPORTANT

Claim Made By Dayton, O., Inventor
Is That Curtiss Machine Has
Several Infringements of
Their Patents.

Buffalo, N. Y., Dec. 3.—A legal fight that will cause a stir in the aeronautical world will have its first airing in court here tomorrow, when Judge Hazel of the United States District Court will hear arguments on the application of Wilbur and Orville Wright for a preliminary injunction restraining Glenn H. Curtiss and the Herring-Curtiss Company of Hammondport, N. Y., from making, using or selling the so-called Curtiss aeroplane, and particularly restraining the defendants from conducting public exhibitions and flights of such machines.

The outcome of the contest will be watched eagerly by persons interested in aeronautics, both in America and in Europe.

The gist of the claim made by the Wrights is that the new Herring-Curtiss aeroplane which was built for the Aeronautic Society, contains several infringements of the Wright patents, which are registered at Washington and in practically every civilized country. The main infringement, it is alleged, lies in the use of the flexible wing tips which give stability to the aeroplane, particularly when gliding or making turns.

Should the Wrights be successful in the federal courts and procure the injunction they ask for they will have almost a world-wide monopoly of aeroplane construction at its present stage, for there is hardly a heavier-than-air flying machine of any consequence which does not use the flexible wing tip in one form or another. Even the Blériot machine in which the French aviator crossed the English channel last summer, though a monoplane, and thus essentially different in its construction from the Wright flyer, has flexible tips at the extremity of its wings or planes and would be practically useless without them.

The Wrights have advanced their claims informally when comparing their machine with others, but this is the first overt step they have taken to establish their sole right to use the flexible tips. Other aeronautical engineers have decried the idea that the Wright patents gave them the sole right to use this device, and have stated that long before the Wrights did any work in the invention of flying machines Hiram Maxim, Chanute and others had devised the flexible tip idea and had adapted it in one form or another to aeroplane construction.

The complaint of the Wrights is very specific, and reads:

"That the defendant, alleging to be formed for the purpose of promoting aerial flying, procured the Herring-Curtiss company and one Glenn H. Curtiss, personally, both of Hammondport, N. Y., to make the flying machines herein complained of and deliver them to the defendant; (The Aeronautic Society), under whose auspices the said Glenn H. Curtiss is giving public exhibition flights with the said infringing flying machines within the jurisdiction of this court."

The Wright flying machine factory at Dayton, Ohio, the brothers allege, is suffering financially from the infringement of these patents, and the brothers ask that when their losses have been estimated they be awarded three times the amount compensatory and punitive damages.

FAVOR INDUSTRIAL SCHOOLS.

Milwaukee, Wis., Dec. 3.—The National society for the promotion of industrial education opened its third annual convention here today. Delegates were present from more than twenty states. Addresses favoring industrial technical schools were made by several delegates.

KING EDWARD ACCEPTS.

London, Dec. 3.—King Edward through the foreign office today formally accepted the invitation to act as arbitrator of the Alsop claim dispute between the U. S. and Chile.

ACCIDENTS IN CHICAGO.

Dense Fog Causes Two Collisions, 11 Persons Being Hurt.

Chicago, Dec. 3.—A dense fog, which hung over Chicago today, interfered seriously with traffic on steam, street and elevated railroads and was the cause of two wrecks in the early part of the day in which a number of persons were seriously injured. One of the collisions was at 103 Third street and Vincennes avenue, where two interurban cars crashed together, injuring eight persons, two of whom may die. One other accident was on the incline leading to the Indiana street bridge over the Chicago river, where two surface cars collided, injuring three passengers.

DEAL OF VAST IMPORT TO FINANCIAL WORLD IS MADE

J. P. Morgan Secures Control of
Stock of the Equitable Life Assurance
Society—To Combine
Trust Companies.

New York, Dec. 3.—The purchase of the majority of stock of the Equitable Life Assurance society by J. Pierpont Morgan announced last evening, a move of vast import to the financial world because of the virtual passing of control of nearly half a billion dollars of the assets and domination of two large trust companies, is believed in Wall street today to foreshadow a still more important move—the mutualization of the Equitable. No definite information on this point was obtainable today.

The suggestion of a definite character was made in banking quarters today that the taking over of the Equitable by Morgan would ultimately mean a combination of the Equitable Trust and Mercantile Trust companies and one or perhaps two trust companies controlled by Morgan. That combination would control assets of nearly \$200,000,000.

BUTTERMILK SAVES TOWN.

Fire at Patchgrove, Wis.

Fennimore, Wis., Dec. 3.—A plentiful supply of buttermilk alone saved the town of Patchgrove from destruction by fire yesterday when the Hagerman creamery was destroyed.

Citizens formed a bucket brigade and with five hundred buckets of buttermilk, secured from the creamery, a house adjoining was saved. Had the fire communicated to this house, it is probable that the whole town would have gone.

FUNERAL OF JOHN HUBERTY.

The funeral of the late John Huberty will take place tomorrow morning with services at the Sacred Heart church, and interment in Lake View cemetery. The deceased is survived by four children, all residents of Chicago, but who have come here to attend the funeral. They are Misses Clara, May, and Edith, and Master Anthony.

NEW OFFICERS INSTALLED.

The following officers of "One and All" lodge, Sons of St. George, were installed Wednesday evening in the society's lodge room in the Odd Fellows block, on Fifth street:

Past president, T. C. Cox.
Worthy president, William Paynter.
Worthy vice president, Warley Barnes.
Recording secretary, W. J. Trathen.
Financial secretary, James Berryman.
Worthy messenger, Alex. James.
Worthy assistant messenger, Fred Pedlar.
Worthy treasurer, Harry Williams.
Worthy chaplain, William Uren.
Inside sentinel, Edgar Thomas.
Outside sentinel, Leonard M. Mycock.
Lodge physician, Dr. J. C. Abrams.
Trustee for 18 months, William H. Kinsman.

CHRISTMAS FAIR DEC. 7.

Ladies of Red Jacket Congregational Church Will Hold a Bazaar.

The Woman's Industrial society of the Red Jacket Congregational church, has made arrangements to give a Christmas fair and coffee in the parlors of the church next Tuesday evening, December 7, from 3 o'clock in the afternoon until 10 o'clock at night.

The public is cordially invited to embrace this opportunity of purchasing Christmas gifts, and to enjoy a good lunch and social time. Coffee, sandwiches, pickles, ice cream and home made cake will be served and the ladies promise a good time.

A number of useful and fancy booths will be erected, containing work and all kinds of needle work and other incidentals that go to make up a fancy sale and fair.

HECLA LODGE OFFICERS.

New Officials of I. O. O. F. Lodge Chosen at Recent Meeting.

At the regular meeting of Hecla lodge, I. O. O. F., held this week in the Union building, officers for the ensuing term were elected. The appointive officers will be named at the first regular meeting of the lodge in January, when both the elective and appointive officers will be installed.

The officers are as follows:
Past noble grand, George Unsworth.
Noble grand, J. Donaldson.
Vice grand, T. Mackenzie.
Secretary, Ed. W. Northey.
Financial secretary, Wm. H. Bennett.
Treasurer, Stephen Williams.
Staff captain, Dugald MacKinnon.
Trustee for three years, James Sharp.

DRY STATES TO BE MADE DRIER

All Shipments of Liquor After
First of Year Must be
Labelled.

NEW RULING OF GOVERNMENT

Revised Penal Code of United States,
Three Sections of Which Relate
to Liquor Traffic, Effective
on Jan. 1.

Washington, D. C., Dec. 3.—Another phase in the great campaign against liquor will come to the fore the first of next month, when the revised penal code of the United States is to become effective. Many of the changes made in the penal laws by the Sixtieth Congress were of minor interest, but the section relating to the shipment of intoxicating liquors into "dry" territory, contained new legislation, the result of which will be to make the United States a factor in prosecuting violators of the act. In thickly settled communities the local authorities, as a rule, are able to deal effectively with offenders, but in certain sections of the South and West, where settlement is sparse, the task is not so easy, and the members of Congress from those sections insisted that the federal government should come to the aid of the local authorities.

Three sections of the new codification relate to the liquor traffic. The most important provision is that on and after January 1 every shipment of intoxicating liquor shall bear the name of the consignee, the nature of the contents of the receptacle and the quantity contained therein. It is a notorious fact, so say persons who have had experience in attempting to drive out "blind tigers," that practically all the liquor now shipped into prohibited territory is labelled as some other commodity, or not labelled at all, and frequently addressed to persons other than the consignee.

The federal authorities already have sent out notice to all manufacturers of innoxious that their wares must be labelled on the outside of the package on and after the first of the new year, setting forth the nature of the contents and the exact amount in each package. It is believed that if the local authorities co-operate with the federal government in the enforcement of the law it will be a comparatively easy matter to suppress the "blind tigers." It is pointed out that from now on they cannot exist without violating the federal statute, and the assumption of the Department of Justice is that would-be violators will not care to take the chance of falling into the clutches of the federal courts.

It has been alleged from time to time that in some of the States where the sale of intoxicating liquor has been prohibited in one way or another the railroads and express companies assisted the violators of the law by acting as buying or selling agents, or both. Congress, with the idea of putting a stop to this practice, provided as follows: "Any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind from one state, territory or district of the United States, into any State, Territory or from any foreign country into any State, Territory, or District of the United States, shall collect the

purchase price or any part thereof, before, on, or after delivery, for the purpose of buying or selling or completing the sale thereof, having only in the actual transportation and delivery of the same, shall be fined not more than \$5,000."

NOTED LARIAT EXPERTS TO ROPE AFRICAN LIONS

"Buffalo" Jones and Tow Other Western
"Ropers" Will Sail Soon
for Dark Continent to Get
Wild Animals Alive.

New York, Dec. 3.—"Buffalo" Jones, who is known throughout the country as the man to whom most credit belongs for preventing the total extinction of the buffalo, has arrived in New York preparatory to sailing for Africa where he hopes to gain new laurels by roping lions and other varieties of wild animals that make the jungles of the Dark Continent their habitat. Mr. Jones believes that for a man of his experience it will be as easy to catch the king of beasts with a lariat as it is to rope a Texas steer. This opinion is shared by "Mike" Loveless of Captain, N. H., and "Jim" Owens of Fredonia, Ariz., two of the best ropers in the West, whom Mr. Jones has selected to accompany him on the trip and to share in the profits that he expects to reap when he returns with a shipment of wild animals that have fallen victims to his prowess with the lasso.

As a fitting farewell to the eve of his departure Mr. Jones is to be tendered a banquet at Delmonico's tomorrow night, at which the menu will include buffalo steaks, bear meat and other delicacies that are supposed to tickle the palate of the Western ranchman and hunter. Numbered among the hosts at the dinner will be "Buffalo Bill," "Pawnee Bill," Charles M. Russell, the "cowboy artist," Ernest almost a world-wide monopoly of Ham T. Hornaday, director of the Bronx Zoo.

SHAFROTH ON SUFFRAGE.

Colorado's Governor Addresses the
Equal Franchise Society.

New York, Dec. 3.—At the first of the series of public meetings arranged by the Equal Franchise Society, which was held at the Garden Theatre this afternoon, Gov. John F. Shafroth of Colorado was the principal speaker. He was introduced by the president, Mrs. Clarence H. Mackay and was received with applause by the large audience of women's suffrage enthusiasts. He spoke interestingly upon the subject "Should Women Have the Right to Vote," and, after the conclusion of his address answered many pertinent questions in regard to the practical workings of woman's suffrage in Colorado and other states where the experiment has been tried. The course of meetings will extend through the winter and among the speakers who will address these meetings will be the Rev. Henry S. Nash of Cambridge, Mass.; Everett Colby, the Rev. Anna H. Shaw, Martin W. Littleton, Mayor Brand Whitlock of Toledo; Col. George Harvey, and Miss Jane Addams. Among the box-holders for the entire course are Mrs. Mackay, Mrs. Everett Colby, Mrs. J. D. Prince, Miss May Ward, Mrs. J. W. Brannan and many other society women interested in the movement.

Arrangements have been completed for a supper and social evening at the Centennial M. E. church on Saturday evening of next week, December 11. Following the supper, two dialogues will be rendered, entitled, "Who will be a bachelor?" and, "The trials of a patient man."

purchase price or any part thereof, before, on, or after delivery, for the purpose of buying or selling or completing the sale thereof, having only in the actual transportation and delivery of the same, shall be fined not more than \$5,000."

WALSH DENIED A RE-HEARING

Chicago Convicted Banker's Only
Recourse Now is U. S.
Supreme Court.

IS NOT ADMITTED TO BAIL

Puts Him in Custody of U. S. Marshal
Pending Application to Highest
Tribunal in Land—Resume
of Famous Case.

Chicago, Dec. 3.—John R. Walsh, convicted of misappropriating the funds of the Chicago National bank, of which he was president, was denied a rehearing of his appeal to the federal circuit court of appeals here today.

The denial of the motion leaves Walsh without other resources than the supreme court of the U. S., to stay the execution of sentence committing him to five years in the penitentiary.

The court declined to admit Walsh to bail, but permitted him, on his motion, to defer the beginning of sentence pending his application to the supreme court, meanwhile placing him in custody of the U. S. marshal. The action of the court was based on a precedent created by the Morse case when the New York financier was committed to the Tombs, pending his appeal to the supreme court, instead of being sent to prison.

The Walsh case, in which the ruling of the court was announced today, has been, in different phases, prominently before the public since the three Walsh banks, the Chicago National, the Home Savings and the Equitable Trust Co., were closed on December 18, 1905. An indictment, containing 182 counts, was voted against Walsh on January 9, 1907, by the federal grand jury, charging him with misappropriating the funds of the Chicago National, while he was president. On November 12 of the same year the trial of the charges against him was begun before Judge Anderson in the federal district court, and on January 18, 1908, he was convicted on fifty-four counts of the indictment.

In the trial repeated reference was made to "Memorandum notes" for large amounts, signed by minor employees of the bank and secured by bonds and other collateral of the railroad companies controlled by Walsh, on which money was advanced by the bank.

The question of intent to defraud figured largely in the argument of the counsel and in the instructions of the court to the jury. The judgment of the lower court was appealed to the U. S. circuit court of appeals and was sustained. A petition for a rehearing of the appeal, which was decided today, was then presented by counsel for Walsh and was principally based on the contention that the verdict of the jury finding the former banker guilty on the different counts was inconsistent and repugnant in that if he were guilty as described in one of the counts of violating the law in a particular manner he could not possibly be guilty of the same violation in a different manner as charged in another count. The government took the position the verdict was in effect a general verdict of guilty and that the sentence of five years imprisonment should stand.

Argument will be made next Tuesday on the motion of Walsh's counsel to re-open the case and present further reasons why the mandate should be stayed until application can be made to the supreme court for relief. In the

MUCH SUFFERING FEARED AS RESULT OF STRIKE

Blizzard is Raging in Montana and Coal
Supply is Depleted—Traffic Con-
ditions Improved—Strik-
ers Confident.

St. Paul, Dec. 3.—Traffic conditions are somewhat improved in the strike zone, according to railroad officials. On the other hand the strike managers express satisfaction with the situation and do not appear disturbed over the reports that trainmen are returning to work.

With a cold wave hovering over Montana and a blizzard raging it is feared much suffering will result because of the depletion of the coal supply unless traffic conditions are improved.

Engineers Won't Strike.

Cleveland, Dec. 3.—Warren S. Stone, head of the Brotherhood of Locomotive Engineers, said today the engineers will take no active part in the strike of the switchmen on the North-western roads.

Strike Affects Business.

New York, Dec. 3.—Dispatches to Dunn's Review indicate that business is having an adverse effect on business in the northwest, but reports from other sections are uniformly favorable with holiday trade unusually active.

Railroad Re-Organization.

New York, Dec. 3.—Carrying out the plan for the re-organization of the properties acquired in the purchase from Rock Island of the St. Louis and San Francisco, a new board of directors and new officers of the Chicago and Eastern Illinois, one of the lines of the Frisco system, were elected today. B. L. Winchell was elected president; and R. F. Yonkum, chairman of the board and of the executive committee. Other new officers include W. J. Jackson, vice president and general manager. Winchell was also elected president of the Evansville and Terre Haute.

Strike is Not Settled.

St. Paul, Dec. 3.—Reports that the switchmen's strike has been settled are untrue, according to advices of President Slade of the Northern Pacific. Slade said many of the old men had returned to work at various places.

PARLIAMENT IS DISSOLVED.

London, Dec. 3.—Parliament was officially prorogued today. The king's prorogation speech was formally presented.

WILL FIGHT JULY FOURTH.

Final Articles for the Jeffries-Johnson
Bout Are Signed.

New York, Dec. 3.—Final articles for the Jeffries-Johnson fight were signed this afternoon. They will fight forty-five rounds or more in Utah or California, before Rickard's club, July 4th. Each fighter has deposited ten thousand dollars to bind the match. Rickard today received telegrams which he claims make it possible for the fight to take place at Salt Lake City.

Salt Lake City Wants Fight.

Salt Lake City, Utah, Dec. 3.—Local men interested in securing the Jeffries-Johnson fight for Salt Lake City are very confident they can satisfy all the requirements of the successful bidders from a financial point of view, and can also give assurance there will be no interference from state and city authorities. Governor Spry has made no public statement beyond saying he would look up the law covering the subject. The law of Utah covering prize fights and boxing contests is practically the same as the California law.

TAFT'S FIRST MESSAGE.

Said That it Contains Fifteen to Six-
teen Thousand Words.

Washington, Dec. 3.—Sixteen hundred copies of Taft's first annual message were delivered at the White House at 9 o'clock this morning and immediately turned over to the Press associations. All night long the government printing office rushed work to get the message printed. It was stated today the message contained from fifteen to sixteen thousand words.

HARVARD PROFESSOR DEAD.

Cambridge, Mass., Dec. 3.—Prof. Charles Gross of the department of history of Harvard college is dead, aged 52.

PROMINENT POLITICIAN DIES.

St. Joseph, Mo., Dec. 3.—Dr. K. H. C. Robison, president of a local Milling Co., and a prominent democratic politician, is dead, aged 76.

DEATH OF A CHILD.

The death occurred this morning from scarlet fever of the one-year-old son of Mr. and Mrs. Albert Arduis of Cambria street, Albion. The funeral will take place Sunday afternoon, with interment in Lake View.

At one time among the Greeks the wearing of breeches indicated slavery.

meantime Walsh is in custody of the U. S. marshal, whose duty will accompany him wherever he goes.

WEATHER FORECAST

Occasional snow flurries and colder late tonight and Saturday.

ZELAYA A MUCH MALIGNED MAN

Nicaraguan Consul General at
Berlin Defends the "Tyrant"
President.

GOOD HEARTED AND HUMANE

A Mr. Pein Endeavors to Minimize Im-
pression One Might Get of Zela-
ya—Now Wouldn't That
Give You a "Pein."

Berlin, Dec. 3.—The government of Nicaragua is represented here by Consul General Pein, who, in an interview in the Lokal Anzeiger today, minimized the impression which the dispatches from Washington might make as to the acts of Zelaya.

Pein says Zelaya is not a tyrant, but on the contrary is a humane, good hearted man, who is striving to maintain order in his country. Among other things Pein says:

"If, as it appears, Groce and Cannon were insurgents, seeking to blow up a government vessel, then the martial law came properly into action against them."

The consul general says that he is informed from Nicaraguan sources that Estrada, the insurgent leader, had been a friend of Zelaya and by the latter trusted with the governorship of the Atlantic coast provinces, and moreover that he used his official position to foment revolution.

Pein attributes no significance to the fact that Nicaraguan charge d'affaires at Washington has been given his passport, as he says the charge had been replaced and was about to leave the U. S. when the incident occurred.

Transport Prairie Aground.

Philadelphia, Pa., Dec. 3.—The transport Prairie, which went aground in the Delaware river, 35 miles south of this city last night, en route to Central America with 700 marines on board, is still fast in the mud and the prospect is the vessel will remain there until the next high tide this afternoon.

The transport is lying easy in soft mud and has thus far sustained no damage. A determined effort was made to float the Prairie at high tide this morning but failed. The marines will now be taken off, the cargo lightered, and another effort made to float the vessel on flood tide this afternoon.

Rodriguez Awaits Orders.

Washington, Dec. 3.—No news had been received from his government today by Rodriguez, Nicaraguan charge d'affaires. Nothing, he said, had come to him during the last forty-eight hours and since he informed Zelaya the secretary of state had given him his passport.

U. S. S. Eagle at Bluefields.

Washington, Dec. 3.—The U. S. S. Eagle has arrived at Bluefields, Nicaragua, according to a dispatch received at the navy department today. According to the navy department, the Eagle is only a survey ship and hasn't a gun aboard. The Eagle has been at Port Limon, Costa Rica, where the Des Moines, Tacoma and Marietta have been for several days. If she has gone on any mission for these vessels it is not admitted at the department.

MOTHER SETON HONORED.

Catholics Pay Tribute to Memory of
Sisters of Charity Founder.

New York, Dec. 3.—The centenary of the foundation in the United States of the Sisters of Charity by Mother Elizabeth Seton in 1809 is being celebrated this week in the various Catholic churches and schools throughout Greater New York. Mother Seton was born and received into the Catholic Church in this city, and her memory has always been revered in the faith. She sent the first band of her sisters to New York in 1817, and there are now 1,400 of her spiritual followers laboring in the schools and institutions of the metropolis.

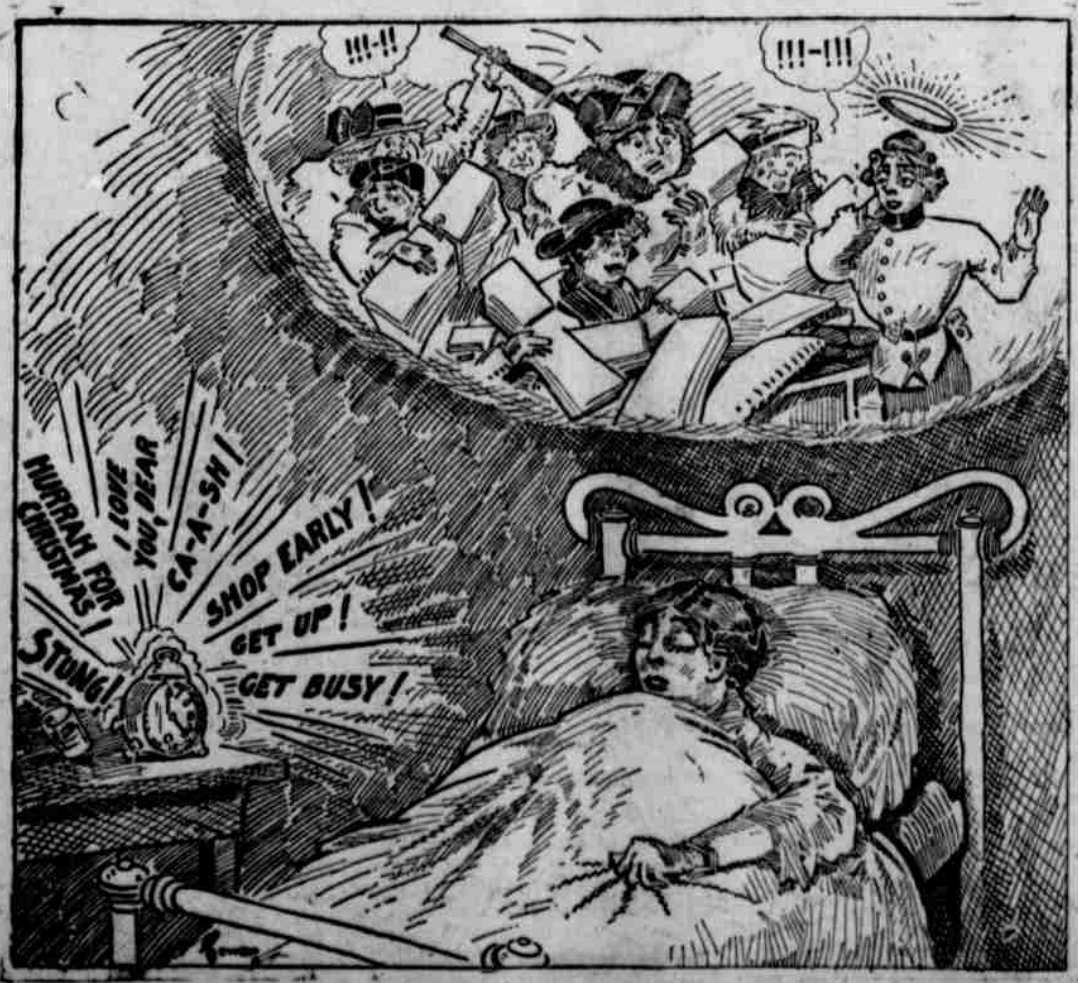
CISSY LOFTUS LEAVES STAGE.

Actress Impaired Health Causes Her
to Quit Career.

Toronto, Ont., Dec. 3.—The retirement from the stage of Cissie Loftus (Cissy) Loftus was announced here last night at the Majestic Music Hall, where the actress is filling a week's engagement. All her future engagements have been canceled, and Miss Loftus herself said that she was going to London to join her husband, Dr. Brockman, a physician.

It was learned that the actress has several times exhibited signs of a nervous breakdown. On Monday afternoon at her opening performance Miss Loftus appeared at a disadvantage. That she was ill at the time was admitted last night. She has been curtailing her performances every day since. The chief trouble appears to be with her throat. After the matinee performance Monday a physician was consulted, and on his advice, it is understood, Miss Loftus is leaving the stage. She herself said tonight that only by constant spraying of her throat has she been able to go through with her performances. She said she hoped to sail for England next week.

Prussian kings and princes invariably wear uniforms, and are never seen in civilian dress.



DISPEL HER DREAM OF LATE SHOPPING!